



Technical Correction to 15A NCAC 02D .1204, *Sewage Sludge Incineration Units*
Environmental Management Commission Meeting – November 18, 2021
Department of Environmental Quality



Background

- On March 21, 2011, EPA revised the Emission Guidelines (EG) for existing Sewage Sludge Incineration (SSI) units in 40 CFR Part 60, Subpart M
- On April 29, 2016, EPA finalized Federal Plan requirements for SSI units constructed on or before October 14, 2010.
- In January 2018, the EMC readopted and approved revisions to 15A NCAC 02D .1204 that incorporated the revised EG under 40 CFR Part 60, Subpart M.
- The revised rule became effective on March 1, 2018.
- In June 2021, DAQ provided EPA with a CAA Section 111(d)/129 pre-hearing draft State Plan covering the SSI EG for a preliminary review.
- In their comments, EPA noted an incorrect cross reference in the rule.

Background

- Subparagraph (f)(2) states:

“(f) Operating limits. The owner or operator of a sewage sludge incineration unit shall meet: ...

...(2) the operating limits and requirements specified in 40 CFR 60.5170 including Subparagraphs (a) through (d) by the final compliance date specified in Paragraph (o) of this Rule;”

- However, there is no Paragraph (o) in the rule; the compliance date is specified in Paragraph (n).
- During the public participation process of the previous amendment, a preceding paragraph was removed, and Paragraph (o) was relabeled as Paragraph (n) without an update to the corresponding cross reference in Subparagraph (f)(2).

Background

While correcting the cross reference in Subparagraph (f)(2) identified by EPA, DAQ identified two additional incorrect cross references in Rule 02Q .1204:

- Reference in Subparagraph (e)(15) to continuous emission monitoring.
- Reference in Subparagraph (l)(3) to annual and semiannual reports.

Proposed Revisions

- Update the cross reference in Subparagraph (f)(2) from “Paragraph (o)” to “Paragraph (n)”.
- Update the cross reference in Subparagraph (e)(15) from “Paragraph (l)” to “Paragraph (k)”.
- Update the cross reference in Subparagraph (l)(3) from “Subparagraph (m)(2)” to “Subparagraph (l)(2)”.
- No regulatory impact analysis is required for these corrections.

Proposed Revisions

§ 150B-21.5. Circumstances when notice and rule-making hearing not required; circumstances when submission to the Commission not required.

- (a) Amendment. – An agency is not required to publish a notice of text in the North Carolina Register, hold a public hearing, or submit the amended rule to the Commission for review when it proposes to amend a rule to do one of the following:
 - (1) Reletter or renumber the rule or subparts of the rule.
 - (2) Substitute one name for another when an organization or position is renamed.
 - (3) Correct a citation in the rule to another rule or law when the citation has become inaccurate since the rule was adopted because of the repeal or renumbering of the cited rule or law.
 - (4) Change information that is readily available to the public, such as an address, email address, a telephone number, or a Web site.
 - (5) Correct a typographical error.
 - (6) Repealed by Session Laws 2019-140, s. 1(a), effective July 19, 2019.

Tentative Rulemaking Timeline (Subject to Change)

- ✓ Sept 2021 Draft Rule to AQC
- ✓ Nov 2021 Request Adoption by EMC
- December 1, 2021 Tentatively Effective

Recommendation

The Director recommends that the proposed rule amendment to 15A NCAC 02D .1204 be adopted by the Environmental Management Commission.

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